

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-342-RJC-DSC**

JACQUELINE MICHELLE RANDOLPH-BROWN,)
on behalf of A.C.R.)

Plaintiff,)

v.)

MICHAEL J. ASTRUE,)
Commissioner of Social Security,)

Defendant.)

ORDER

THIS MATTER comes before the Court on Plaintiff Jacqueline Michelle Randolph-Brown's ("Plaintiff") Motion for Judgment. (Doc. No. 20).

The Court remanded this case to the Commissioner under sentence six of 42 U.S.C. § 405(g) for the consideration of additional evidence by consent of both parties on April 13, 2012. (Doc. No. 19). The Appeals Council of the Social Security Administration then entered a decision fully favorable to Plaintiff on June 20, 2012. (Doc. No. 20-1).

"[F]ollowing a sentence six remand, the [Commissioner] must return to the district court to 'file with the court any such additional or modified findings of fact and decision, and a transcript of the additional record and testimony upon which his action in modifying or affirming was based.'" Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991) (quoting 42 U.S.C. § 405(g)). The Commissioner has not yet returned to this Court as required. Plaintiff, however, has returned to this Court to file the Commissioner's modified findings of fact and decision. (Doc. No. 20-1). Plaintiff also "waives filing of a supplemental transcript by the Commissioner" and asks this Court to enter final judgment affirming the Commissioner's modified decision. (Doc. No. 20).


The Commissioner has not filed any response to Plaintiff's motion.

The Court has reviewed the Commissioner's new decision and finds that substantial evidence supports the decision and that the Commissioner applied the correct legal standards. See Richardson v. Perales, 402 U.S. 389, 401 (1971); Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1992).

Therefore, the Court orders the Clerk to enter final judgment in accordance with the Commissioner's modified decision fully favorable to Plaintiff. (Doc. No. 20-1).

SO ORDERED.

Signed: August 29, 2012


Robert J. Conrad, Jr.
Chief United States District Judge

